

Proposed Article - Transportation Network Company

- Definitions
 - **Transportation Network Company (TNC):** An individual or organization, whether a corporation, partnership, sole proprietor, or other form, that connects passengers with drivers using Transportation Network Vehicle (as defined by this article) for purposes of for-hire transportation services by the sole means of an internet-based software application or platform.
 - **Transportation Network Driver:** a person who uses a Transportation Network Company Vehicle (as defined by this article) to provide for-hire transportation services for passengers matched through a TNC's internet-based software application or platform. A TNC driver need not be an employee of a TNC.
 - **Transportation Network Company Services (TNC services):** The transportation of a passenger between points chosen by the passenger and is prearranged by a TNC using its internet-based software application or platform. TNC services commence from the moment a TNC driver logs onto the TNC's application program and ceases when the driver logs off the application program.
 - **Transportation Network Company Vehicle (TNC vehicle):** means any motor vehicle being used to provide TNC services through a TNC's internet-based software application or platform. A vehicle operated by a TNC driver while providing TNC services that is:
 - (1) Owned or leased by the TNC driver;
 - (2) Not certificated as a taxicab, limousine, luxury sedan, shuttle, shuttle bus, non-emergency medical transport, animal drawn carriage, or pedicab under these Rules and Regulations; and
 - (3) Not a vehicle which if granted a Certificate of Registration would conform to the definition of a taxicab, limousine, luxury sedan, shuttle, shuttle bus, non-emergency medical transport, animal drawn carriage, or pedicab.

Section 1- Applicability

Unless contrary to the provisions of this Article, TNCs, TNC drivers, and TNC Vehicles shall comply with all applicable rules and regulations set forth in the Rules and Regulations of the Motor Vehicle For-Hire Authority. In addition to other applicable rules, the requirements of Article II (Driver Regulations) shall apply to Transportation Network Company Drivers. TNC Certificates of Registration are privileges and not rights. The Authority Board has full discretion in determining whether a TNC Certificate shall be issued. TNC Certificates of Registration are not transferrable.

Section 2- TNC Certificate of Registration, Fees

No TNC shall operate without first having applied for and received a TNC Certificate of Registration. The application for such certificates shall be pursuant to the forms and instructions prescribed by the Authority and include proof of registration to conduct business in the state and the name, address, and contact information of an agent for service of process within the state.

TNC Certificates of Registration are valid for a period of one (1) year, expiring on February 1. The fee for a TNC Certificate of Registration shall be \$10,000 per year. As additional consideration for the TNC Certificate of Registration, the TNC shall also remit quarterly payments to the Motor Vehicle For-Hire Authority in an amount equal to fifty (50) cents per trip each quarter. These fees shall be assessed in addition to any other fees charged in any other provision of this Article.

Section 3 – Insurance

The TNC or TNC driver shall maintain a commercial insurance policy that meets the following requirements:

(a) The policy of insurance must provide commercial automotive liability coverage of at least One Million Dollars (\$1,000,000.00) per accident for bodily injury and property damage involving a TNC driver's operation of a motor vehicle while providing TNC services.

(b) The policy of insurance must provide commercial automotive coverage in the amount of One Hundred Thousand Dollars (\$100,000.00) or more because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limits for one (1) person, in the amount of Three Hundred Thousand Dollars (\$300,000.00) or more because of bodily injury to or death of two (2) or more persons in any one (1) accident and in the amount of Fifty Thousand Dollars (\$50,000.00) or more because of injury to or destruction of property of others in any one (1) accident. This paragraph (b) may be satisfied by a combination of insurance policies maintained by the TNC or TNC driver.

(c) The policy of insurance must provide a general liability coverage of at least One Million Dollars (\$1,000,000.00) per incident.

(d) The policy of insurance must be placed with an insurer licensed under, Mississippi Code section 83-17-2, or with a surplus lines insurer authorized under the provisions of MS Code 83-21-19, *et. seq.*

(e) In addition to the above, TNC drivers must satisfy the financial responsibility requirement for motor vehicles under Mississippi Code 63-15-1 *et. seq.*

(f) If a motor vehicle providing TNC services is involved in an accident, the TNC driver shall provide proof of insurance information to the other parties involved in the accident

regarding liability insurance coverage for the TNC driver's motor vehicle at the time of the accident. The TNC driver shall notify the TNC of the accident as soon as practicable. The driver and/or the TNC shall notify the Authority within ten (10) days of the accident.

(g) Failure to maintain all required insurance at any time for any reason shall automatically render a TNC Certificate of Registration suspended.

(h) Any terms or conditions in the agreement between the TNC certificate holder and TNC driver, or between the TNC certificate holder and any passenger, that would act as a waiver of the TNC certificate holder's liability to the passenger or the public, are declared contrary to public policy of the participating municipalities and therefore null, void, and unenforceable.

(i) The Motor Vehicle For-Hire Authority and all participating municipalities shall be listed as an additional insured on all insurance policies provided hereunder.

Section 4 – Drivers Permit Required

Transportation Network Drivers are required to obtain a Drivers Permit as promulgated in Article II of these Rules and Regulations prior to operating a TNC Vehicle. The fees for such permit shall be applicable as outlined in Article II.

Section 5 – TNC Vehicles

A. **TNC Vehicle Permit Required** – Prior to the operation of a TNC Vehicle, the registered owner of such vehicle must register the vehicle with the Authority, giving its year, make, model, vehicle identification number and license tag number for the current year. The Authority shall register such vehicle for hire in the name of the owner in a record kept for that purpose, giving the TNC Vehicle a number, provided that the registration number shall not be required to be changed at subsequent registrations. A permit shall be issued for the TNC vehicle with the aforementioned information that is required to be kept in the vehicle at all times and furnished upon request by a customer, law enforcement officer, or agent of the Authority.

B. **Maximum Age Limit**- No vehicle having a vehicle age greater than ten (10) years may be used to provide TNC services within the participating municipalities.

C. **Vehicle Inspection** – A TNC shall cause all motor vehicles providing TNC services through its application to be inspected by an ASE Certified Master Automotive Technician prior to allowing them provide such services within the participating municipalities. A TNC shall re-inspect all motor vehicles providing TNC services through its application every twelve months. TNCs must keep all vehicle services records for a period of no less than two years and make them available to the

Authority prior to the use of the vehicle and upon request. Failure to have a TNC vehicle inspected or failure to maintain vehicle inspection records or provide them upon request shall be grounds for the automatic suspension of a TNC Certificate of Registration. The requirements of such inspection shall be outlined on an approved form by the Authority. Notwithstanding any other provisions in this Article, the Authority shall have the power and authority to require periodic inspections of any motor vehicles currently registered as TNC vehicles while providing TNC services.

- D. Vehicle Identification** - All TNC vehicles shall be identified by consistent trade dress (i.e. distinctive signage or display on the vehicle) when providing TNC services that is sufficiently large and color contrasted as to be readable during daylight hours and be illuminated during night hours at a distance of at least 50 feet. The trade dress shall be sufficient to allow a passenger, government official, or member of the public to associate a vehicle with a particular TNC. Acceptable forms of trade dress include, but are not limited to, symbols or signs on vehicle doors, roofs, or grills. Magnetic or removable trade dress is acceptable. TNCs shall file a photograph of their trade dress with the Authority. There shall also be an informational decal within the vehicle which is visible to the customer with TNC's customer service telephone number and/or email address as well as the contact information for the Motor Vehicle For-Hire Authority.

Section 6 – TNC Prohibited Acts

TNC drivers and vehicles are prohibited from utilizing taxicab staging areas and stands, accepting street hails, or openly soliciting for passengers. No TNC driver shall refuse to take any passenger who has requested service via internet based software application to a destination within ten miles outside of the municipal limits, once the request has been accepted.

Section 7 – Accessibility

- A. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.
- B. A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.
- C. A TNC shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC service in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if one is available.

Section 8 – Rates of Fare

- A. TNCs may charge rates based upon a calculation of time and distance. Passengers shall be provided the method by which the rates will be calculated and the estimated total fare prior to pick-up based upon information provided when requesting service. At a minimum, the initial charge for using a TNC vehicle shall be no less than the charge for activation of a taximeter pursuant to these Rules and Regulations. A TNC shall not apply any surcharge to passengers for use except as authorized by this Article. Under no circumstances shall the rates of fare of a TNC exceed the rates of fare established by metered rate of a taxicab for an identical fare and/or trip.
- B. Fares originating or terminating at the Gulfport-Biloxi International Airport shall not exceed the maximum rate of a taxicab for the locations specified on the Airport Rate Map as established by the Gulfport-Biloxi Regional Airport Authority (Attachment B).

Section 9 – Passenger Receipts

Upon completion of a trip, a TNC shall provide customers with a receipt that lists the:

- (a) TNC driver name;
- (b) TNC vehicle description and license plate number;
- (c) Trip ID;
- (d) Date of trip;
- (e) Distance of trip, including the point of origin and ultimate destination;
- (f) Time of trip;
- (g) Fare charges;
- (h) Extra charge;
- (i) Total charges;
- (j) TNC name and contact information; and
- (k) Words “Motor Vehicle For-Hire Authority. For compliments or concerns, please call 228-222-3274.”

A TNC shall provide receipts to the Motor Vehicle For-Hire Authority upon request, and once per year, at a date determined and provided by the Authority.

Section 10 – Record Keeping Requirements

- A. Every TNC shall keep daily records including all trip requests, complaints, accepted trip requests, daily application sign-in and sign-out logs, vehicle collision reports, service response time reports, reports of crime against TNC drivers and passengers, lost property reports, and TNC vehicle identification information. Such records may be maintained electronically and shall be preserved for a period of not less than two years and be available for examination by the MVFHA Administrator upon request. Failure to maintain such records or provide them upon request shall be grounds for the suspension and/or revocation of a TNC permit.

- B. Such records shall be remitted every quarter to the MVFHA with the trip fees along with a complete list of active drivers.
- C. Falsifying any records outlined in this article shall be grounds for suspension and/or revocation of a TNC permit.
- D. **Privacy Protections.** A TNC shall not disclose to a third party any personally identifiable information concerning a user of the TNC digital network unless:
 - (i) the TNC obtains the user's consent for release of such information;
 - (ii) the disclosure is necessary to comply with a legal obligation; or
 - (iii) the disclosure is necessary to protect or defend the terms and conditions for use of the service or to investigate violations of the terms and conditions.This limitation of disclosure does not apply to the disclosure of aggregated user data and other information about the user that is not personally identifiable. Violations of this section shall be grounds for the suspension and/or revocation of a TNC Certificate of Registration.

Section 11 – Website & App Contact Information

A TNC shall provide the following information on its website and app:

- (a) TNC's customer service telephone number and/or email address;
- (b) TNC's zero tolerance policy and how to report TNC drivers whom the passenger(s) suspect have violated the zero tolerance policy;
- (c) TNC's method and rate calculation formula;
- (d) Procedures for reporting a complaint about a TNC driver; and
- (e) Complaint telephone and/or email address for the Motor Vehicle For-Hire Authority.